

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-7, and 9-12 are pending. In the present amendment, Claims 1, 4-7, and 9-11 are currently amended, Claims 3 and 8 are canceled without prejudice or disclaimer, and new Claim 12 is added. Support for the present amendment can be found in the original specification, for example, at page 9, line 15 to page 14, line 5, at page 23, lines 1-23, in Figures 1-7, and in Claims 1, 3, and 8. Thus, it is respectfully submitted that no new matter is added.

In the outstanding Office Action, the abstract was objected to; Claims 1-7, 10, and 11 were rejected under 35 U.S.C. § 112, second paragraph; Claim 8 was rejected under 35 U.S.C. § 103(a) as unpatentable over Omura (U.S. Patent No. 6,473,243) in view of Mercado (U.S. Patent No. 4,934,801); and Claim 9 was objected to, but indicated as including allowable subject matter.

Applicants acknowledge with appreciation the indication of allowable subject matter in Claim 9. Accordingly, Claim 9 is hereby rewritten in independent form. Further, as previous Claim 3 recited similar subject matter to that indicated as allowable in Claim 9, Claim 1 is hereby amended to include the subject matter from Claim 3. Thus, it is respectfully requested that Claims 1 and 9, and all claims dependent thereon, be allowed.

In response to the objection to the abstract, a new abstract is submitted herewith that includes a single paragraph in compliance with MPEP 608.01(b). Thus, it is respectfully requested that the objection to the abstract be withdrawn.

Further, it is noted that the specification is also amended to remove references to the claim numbers in the background section. Additionally, the brief description of the drawings

is amended to include descriptions of Figures 7G and 11E that are consistent with the detailed description section. It is respectfully submitted that no new matter is added.

In response to the rejection under 35 U.S.C. § 112, second paragraph, Applicants note that Claim 1 is drafted in *means-plus-function* format according to 35 U.S.C. § 112, sixth paragraph.

In rejecting Claims 1-7 as indefinite, the Office Action cites MPEP 2114 for the proposition that “[p]roducts must distinguish over the prior art in terms of the structure...rather than function alone.” However, Applicants note that the first paragraph of MPEP 2114 guides the reader to MPEP 2181-2186 to interpret the functional portion of means-plus-function limitations.

MPEP 2181 states that one of the requirements for a claim to be interpreted under 35 U.S.C. § 112, sixth paragraph is that “the phrase ‘means for’...must not be modified by sufficient structure, material, or acts for achieving the specified function.” Thus, the requirement by the Office Action to include structure in the claim itself would completely vitiate 35 U.S.C. § 112, sixth paragraph.

Therefore, Applicants respectfully submit that Claim 1, and all claims dependent thereon, properly recite means-plus-function limitations under 35 U.S.C. § 112, sixth paragraph in accordance with MPEP 2181-2186.

Further, the “capable of” language is removed from the claims to more clearly recite the function performed by the recited means. Claim 11 is also amended to depend on Claim 9 and Claim 9 is amended to provide antecedent basis for “the lens barrel” recited in Claim 10.

Thus, it is respectfully requested that the rejection under 35 U.S.C. § 112, second paragraph, be withdrawn.

In response to the rejection of Claim 8, it is noted that Claim 8 is hereby canceled without prejudice or disclaimer. Thus, it is respectfully submitted that this rejection is moot.

New Claim 12 is added by the present amendment. Support for Claim 12 can be found in the original specification, for example, at page 9, line 15 to page 14, line 5, at page 23, lines 1-23, in Figures 1-7, and in Claims 1, 3, and 8. Thus, it is respectfully submitted that no new matter is added.

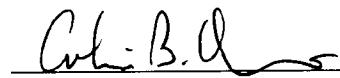
Further, it is noted that Claim 12 structurally defines the features of the system. Thus, Claim 12 is not intended to invoke 35 U.S.C. § 112, sixth paragraph. Claim 12 also recites similar subject matter to that indicated as allowable in Claim 9. Accordingly, Applicants respectfully submit that Claim 12 is allowable.

Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal allowance. A Notice of Allowance is earnestly solicited.

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representative at the below listed telephone number.

Respectfully submitted,

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